

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Return Date: January 4, 2024

Time: 1:00 pm

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In re:

Chapter 13

Case No.: 23-74333-736

FRANCINE FRANK

Debtor(s)

NOTICE OF MOTION

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SIRS / MADAMS

PLEASE TAKE NOTICE, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Louis A. Scarcella, United States Bankruptcy Judge on the 4th day of JANUARY, 2024 at 1:00 pm., at the United States Bankruptcy Court located at the Alfonse M. D’Amato U.S. Courthouse, 290 Federal Plaza – Courtroom 963, Central Islip, New York 11722, for an Order pursuant to 11 U.S.C. §§521 & 1307(c), dismissing this case by reason of the debtor(s)’ failure to provide and/or file documents, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be filed with the Court and served upon the undersigned no later than three (3) days prior to the return date of this motion.

Dated: Islandia, New York
December 18, 2023

Yours, etc.

MICHAEL J. MACCO
Chapter 13 Trustee
2950 Express Drive South, Suite 109
Islandia, New York 11749
(631) 549-7908

To: *Office of the United States Trustee*
FRANCINE FRANK, Debtor(s)
JOHN WEBER, ESQ. Attorney for Debtor(s)
All Interested Parties and Creditors

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

tmm1634

Chapter 13
Case No.: 23-74333-736

FRANCINE FRANK

Debtor(s)

APPLICATION

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TO THE HONORABLE LOUIS A. SCARCELLA, UNITED STATES BANKRUPTCY JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee in the above captioned estate, respectfully represents as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on November 18, 2023, and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.
2. As of the date of this motion, the debtor(s) has failed to provide the Trustee with copies of personal state and federal tax returns; and tax transcripts.
3. This is a material default and is prejudicial to the rights of the creditors of the debtor(s).

WHEREFORE, the Trustee requests an Order pursuant to the provisions of 11 U.S.C. §§521 & 1307(c), dismissing this case, and for such other and further relief as this Court deems just and proper.

Dated: Islandia, New York
December 18, 2023

Michael J. Macco
Michael J. Macco, Chapter 13 Trustee
2950 Express Drive, Suite 109
Islandia, NY 11749
(631) 549-7908

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Case No: 23-74333-736

IN RE:

FRANCINE FRANK

**CERTIFICATE OF SERVICE
BY MAIL AND ELECTRONIC
SERVICE**

Debtor(s)

This is to certify that I, Stephanie Turner, have this day served a true, accurate and correct copy of the within *Notice of Motion and Application*, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

Francine Frank
75 Vanderbilt Ave
West Babylon, NY 11704
Debtor(s)

and upon the following parties, by the e-mail address designated by said parties for that purpose;

Office of the United States Trustee
Alfonse M. D'Amato U.S. Courthouse
USTPRegion02.LI.ECF@usdoj.gov

John Weber, Esq.
John Weber & Associates PC
jweberatty@aol.com
Attorney for Debtor(s)

AmeriCredit Financial Services, Inc. dba GM Financial
Customer.service.bk@gmfinancial.com

This December 18, 2023

/s/ *Stephanie Turner*

Stephanie Turner, Paralegal
Office of the Standing Chapter 13 Trustee
Michael J. Macco, Esq.
2950 Express Drive South, Suite 109
Islandia, NY 11749
631-549-7908